

PROGRESS REPORT NO. 3

Dayco Corporation/L.E. Carpenter Superfund Site
Borough of Wharton, Morris County, New Jersey

Date: January 14, 2010

To: Ms. Patricia Simmons-Pierre (USEPA RPM)

cc: Ms. Frances M. Zizila (USEPA Site Attorney)
Mr. Glenn Savary (NJDEP Case Manager)
Mr. Ernie Schaub (LEC Project Manager)
Mr. Richard Hahn (LEC Assistant Secretary)

From: Nick Clevett (RMT Project Coordinator)

Site ID: NJD002168748

Subject: Site Progress Report No. 3

This progress report is submitted in compliance with Section XV (Para. 61) of the Unilateral Administrative Order (UAO) dated August 6, 2009. This progress report covers the period between December 11, 2009 and January 14, 2010. The current UAO/SOW Compliance Tracking Table and Project Schedule are attached.

1. Actions taken to comply with the UAO during this period. The following actions were completed:
 - LEC & RMT received USEPA/NJDEP comments on the RA Work Plan Addendum on December 21, 2009. RMT responded to regulatory comments on December 29, 2009. USEPA approved implementation of the MW19HS1 scope of work as outlined in the RA Work Plan Addendum on December 30, 2009.
 - Building 9 above grade demolition was completed on December 24, 2009.
 - 72-hr notification to Morris County Soil Conservation District (MCSCD) to commence project work in accordance with the Soil Erosion and Sediment Control Plan (SESCP) was made electronically on January 7, 2010.
 - RMT mobilized to commence the MW19HS1 Soil Remediation on January 9, 2010.
 - UAO Para 82 and SOW Section IV(A) - RMT/LEC Contractor Statement of Qualifications (SOQ) and Certificate of Insurance (COI) information was emailed to USEPA January 12, 2010.
 - Electronic submittal through NJDEP's web page and subsequent approval of the Request for Authorization (RFA) for Stormwater Discharge associated with Construction Activity was received January 13, 2010.
 - Received MCSCD certification of the SESCO for the MW19HS1 Soil Remediation on January 14, 2010.

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- Communication with the USEPA oversight contact for the MW19HS1 Soil Remediation (Michael Mercado) was made electronically on January 11, 2010.
2. Results of sampling, tests and all other data received and not previously submitted to EPA.
 - RMT submitted the 4Q 2009 Monitoring Event USEPA electronic data deliverable (EDD) on December 22, 2009. These data along with discussion, interpretation, figures and tables will be submitted in the 4Q 2009 Monitoring Report on or before January 30, 2010.
 3. All work planned for the next 12 months is as follows:
 - Complete the MW19HS1 soil remediation and document the action in an RA Report Addendum.
 - Complete the MW-30 area remedial investigation and document the investigation in a RD Report Addendum No. 3.
 - Prepare and submit a Community Involvement Plan (CIP).
 - Prepare and submit progress reports.
 - Perform the 2010 quarterly monitoring and reporting events.
 4. Problems encountered and any anticipated problems or delays and solutions to address actual or anticipated delays.
 - Expediting Bldg 9 demolition, completion, submittal, regulatory review, response to comment and ultimate MCSCD certification of the SESCO, and subsequent electronic NJDEP approval for Construction Stormwater discharge under the State's General NPDES permit allowed LEC/RMT to initiate MW19HS1 Soil Remediation field activities forty (40) calendar days ahead of schedule (*i.e.*, Actual Project Start Date of January 11, 2010 vs. Proposed Project Start Date of March 5, 2010).

**DAYCO CORPORATION/L.E. CARPENTER AND COMPANY SUPERFUND SITE
USEPA UAO AND SOW ACTION ITEM CHECKLIST**

ACTION ITEM #	COMPLETION TIMEFRAME (Calendar Days from UAO Effective Date)	ACTION ITEM DUE DATE	OVERALL ACTION ITEMS - UAO Section Heading (associated paragraph reference) ⁽³⁾⁽⁴⁾	RESPONSIBLE PARTY	ACTION ITEM COMPLETED	COMPLETED BY	COMPLETED WHEN
1	--	08/06/09	Effective Date of the USEPA UAO and SOW	USEPA	✓	USEPA/LEC/RMT	08/06/09
2	7 days	08/13/09	<i>Notice of Intent to Comply (paragraph 34)</i> : Respondent shall provide written notice to EPA's Remedial Project Manager and Assistance Regional Counsel for the Site stating whether it will comply with the terms of the Order.	LEC	✓	LEC	08/13/09
3	5 days - or on day services retained, whichever date occurs later	TBD	<i>Parties Bound (paragraph 36)</i> : Respondent shall provide a copy of Order to each contractor, subcontractor, laboratory, or consultant retained to perform any work under the Order within 5 days of the effective date of the Order, or on the date services are retained, whichever date occurs later.	RMT and LEC	✓	RMT and LEC	Real Time ⁽⁵⁾
4	5 days - following receipt of approved errata sheet or amended UAO ⁽¹⁾	09/14/09	<i>Parties Bound (paragraph 37)</i> : With respect to real property Respondent owns within the site, record a copy of the Order in the appropriate governmental office where land ownership and transfer records are filed or recorded. Ensure the recording of the Order is indexed to the title of Respondent's real property at the Site.	LEC	✓	LEC	09/28/09
5	7 days ⁽²⁾	08/13/09	<i>Work to be Performed (paragraph 40)</i> : Identify a Supervising Contractor and submit a copy of their Quality Management Plan (QMP).	RMT	✓	RMT	08/10/09
6	7 days ⁽²⁾	08/13/09	<i>Work to be Performed (paragraph 41)</i> : Identify a Project Coordinator.	RMT	✓	RMT	08/10/09
7	5 days - following completion of Action Item #4 above	09/19/09	<i>Parties Bound (paragraph 37)</i> : Send notice to EPA after making recording and indexing stated in action item #4 above	LEC	✓	RMT ⁽⁷⁾	12/11/09
8	By the 8th of every month	09/08/09	<i>Progress Reports (paragraph 61)</i> : 1st Monthly Progress Report Draft to LEC	RMT	✓	RMT	8th of each month
9	30 days	09/05/09	<i>Assurance of Ability to Complete Work (paragraph 81)</i> : Demonstrate ability to complete the Work required by this Order and to pay all claims that arise from the performance of the Work (Financial Assurity). EPA added as a beneficiary on Letter of Credit.	LEC	✓	LEC	Nov-2009
10	30 days	09/05/09	<i>SOW - IV. Remedial Action (letter B)</i> : Submit an addendum to the NJDEP approved "Remedial Action Work Plan for Source Reduction", RMT, Inc., 2004.	RMT	✓	RMT	09/03/09
11	By the 10th of every month	09/10/09	<i>Progress Reports (paragraph 61)</i> : Provide monthly progress reports with actions and activities undertaken pursuant to this Order. Must be submitted on or before the 10th day of each month. Monthly Progress Report Final to EPA [pdf electronic is acceptable]. 1st Progress Report submitted 09/09/09	RMT	✓	RMT	10th of each month
12	60 days	10/05/09	Access to Site Not Owned by Respondent (paragraph 72): Obtain site access agreements from parties other than those bound by this Order to provide access for EPA, its contractors and oversight officials, the state and its contractors, and Respondent and Respondent's authorized representatives and contractors ⁽⁶⁾	LEC	✓	LEC	2005
13	90 days	11/04/09	<i>Record Preservation (paragraph 78)</i> : Respondent shall submit a written certification to EPA's RPM and Site Attorney that it has not altered, mutilated, discarded, destroyed or otherwise disposed of any records, documents, or other information relating to its potential liability with regard to the site since notification of potential liability by the United States or the State or the filing of suit against it regarding the Site.	LEC	✓	LEC	11/27/09
14	45 days	10/22/09	SOW: EPA review and approval of the 2004 RAWP Addendum [assume 45 calendar days]	USEPA	✓	USEPA	12/30/09
15	15 days following EPA approval in item #14	01/14/10	<i>SOW - IV. Remedial Action (letter A)</i> : Respondent shall notify EPA in writing the name & qualifications of the construction contractor(s) proposed to perform the Work and submit a copy of their QMP. If EPA disapproves the selection of any contractor, Respondent shall submit a list of contractors that would be acceptable w/in 15 days of receipt of EPA's disapproval. Per phone conference on 8/3/09 only RMT and Analytical Laboratories are required to submit QMPs.	LEC and RMT	✓	RMT	01/12/10
16	7 days prior to commencing work	01/04/10	<i>Assurance of Ability to Complete Work (paragraph 82)</i> : Submit to EPA certification that Respondent or its contractors and subcontractors have adequate insurance coverage or have indemnification for liabilities for injuries or damages to persons or property which may result from the activities to be conducted by or on behalf of Respondent pursuant to this Order.	LEC and RMT	✓	RMT	01/12/10
17	As outlined in the 2004 RAWP Addendum Schedule	01/11/10	<i>SOW - IV. Remedial Action (letter D)</i> : Perform RA in accordance with the final addendum to the RAWP and the associated project schedule.	RMT	✓	RMT	01/11/10

ACTION ITEM #	COMPLETION TIMEFRAME (Calendar Days from UAO Effective Date)	ACTION ITEM DUE DATE	SOIL REMEDIAL ACTION ITEMS (MW19HS1)	RESPONSIBLE PARTY	ACTION ITEM COMPLETED	COMPLETED BY	COMPLETED WHEN
18a	14 days prior to soil remedy completion	TBD	<i>Remedial Action (paragraph 46)</i> : Respondent and contractor(s) will be available to accompany EPA personnel and/or representative on a pre-final inspection in accordance with Section VI of the SOW	LEC and RMT			
19a	7 days prior to item #18	TBD	<i>SOW - V. Pre-Final and Final Inspections, Soil Remedial Action Report, Notice of Construction Completion (letter A)</i> : Respondent shall provide documentation that the Performance Standards related to the soil remedy have been met or will be met at the completion of construction.	RMT			
20a	14 days after completion of the construction of corrective measures	TBD	<i>SOW - V. Pre-Final and Final Inspections, Soil Remedial Action Report, Notice of Construction Completion (second letter A)</i> : If EPA requires corrective measures following item #18, Respondent and their contractor(s) shall be available to accompany EPA or their rep. on an inspection following completion of the construction of the corrective measures.	LEC and RMT			
21a	Within 21 days of completion of all work	TBD	<i>Remedial Action (paragraph 47)</i> : Respondent shall schedule and conduct a final inspection in accordance with Section V.C of the SOW	LEC and RMT			

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22a	14 days of completion of field inspection/corrective action implementation	TBD	SOW - V. <i>Pre-Final and Final Inspections, Soil Remedial Action Report, Notice of Construction Completion (letter C)</i> : Submit inspection and corrective action reports, if any, within 14 days of completion of field inspection/corrective action implementation	RMT			
23a	45 days	TBD	Remedial Action (paragraph 48): After receipt of EPA's determination that soil remedy is complete Respondent shall submit a draft RA report that meets requirements set forth in Section V.E of the SOW	RMT			

ACTION ITEM #	COMPLETION TIMEFRAME (Calendar Days from UAO Effective Date)	ACTION ITEM DUE DATE	SOIL REMEDIAL ACTION ITEMS (MW-30)	RESPONSIBLE PARTY	ACTION ITEM COMPLETED	COMPLETED BY
18b	14 days prior to soil remedy completion	TBD	Remedial Action (paragraph 46): Respondent and contractor(s) will be available to accompany EPA personnel and/or representative on a pre-final inspection in accordance with Section VI of the SOW	LEC and RMT		
19b	7 days prior to item #18	TBD	SOW - V. <i>Pre-Final and Final Inspections, Soil Remedial Action Report, Notice of Construction Completion (letter A)</i> : Respondent shall provide documentation that the Performance Standards related to the soil remedy have been met or will be met at the completion of construction.	RMT		
20b	14 days after completion of the construction of corrective measures	TBD	SOW - V. <i>Pre-Final and Final Inspections, Soil Remedial Action Report, Notice of Construction Completion (second letter A)</i> : If EPA requires corrective measures following item #18, Respondent and their contractor(s) shall be available to accompany EPA or their rep. on an inspection following completion of the construction of the corrective measures.	LEC and RMT		
20b	Within 21 days of completion of all work	TBD	Remedial Action (paragraph 47): Respondent shall schedule and conduct a final inspection in accordance with Section V.C of the SOW	LEC and RMT		
22b	14 days of completion of field inspection/corrective action implementation	TBD	SOW - V. <i>Pre-Final and Final Inspections, Soil Remedial Action Report, Notice of Construction Completion (letter C)</i> : Submit inspection and corrective action reports, if any, within 14 days of completion of field inspection/corrective action implementation	RMT		
23b	45 days	TBD	Remedial Action (paragraph 48): After receipt of EPA's determination that soil remedy is complete Respondent shall submit a draft RA report that meets requirements set forth in Section V.E of the SOW	RMT		

ACTION ITEM #	COMPLETION TIMEFRAME (Calendar Days from UAO Effective Date)	ACTION ITEM DUE DATE	GROUNDWATER MNA EVALUATION ACTION ITEMS (SITE WIDE)	RESPONSIBLE PARTY	ACTION ITEM COMPLETED	COMPLETED BY
24	21 days of receipt of sample results from final sampling event	TBD	SOW - VI. <i>Groundwater Monitored Natural Attenuation Evaluation (letter B)</i> : Submit to EPA a Site-Wide Groundwater Monitored Natural Attenuation Report summarizing the results of the effort and its findings.	RMT		
25	10 days following EPA's request to prepare a FFS	TBD	SOW - VII. <i>Focused Feasibility Study</i> : If EPA determines from item #24 that MNA is a viable alternative to address contaminated groundwater at the site, EPA will request the preparation of a FFS. Respondent will submit a schedule for the preparation of the FFS to EPA within 10 days of this request.	RMT		
26	60 days	TBD	SOW - VII. <i>Focused Feasibility Study (letter C)</i> : Submit a draft FFS report to EPA following submittal of item #25.	RMT		
27	30 days after item #26	TBD	SOW - VII. <i>Focused Feasibility Study (letter C)</i> : Meet with EPA to summarize and discuss findings of the draft FFS Report and EPA's preliminary comments and concerns.	LEC and RMT		
28	30 days after receiving EPA's written comments	TBD	SOW - VII. <i>Focused Feasibility Study (letter C)</i> : Amend and submit a revised FFS Report.	RMT		

ACTION ITEM #	COMPLETION TIMEFRAME (Calendar Days from UAO Effective Date)	ACTION ITEM DUE DATE	CONTINGENT ACTION ITEMS (SITE WIDE)	RESPONSIBLE PARTY	ACTION ITEM COMPLETED	COMPLETED BY
29	30 days from receipt of notice from EPA	TBD	Failure to Attain Performance Standards (paragraph 51): If EPA determines that additional response activities are necessary to meet any applicable Performance Standards, the Respondent shall submit, for approval by EPA, a work plan for the additional response activities.	RMT		
30	30 days from receipt of notice from EPA	TBD	Additional Response Actions (paragraph 54): If EPA determines that additional response activities are necessary to protect human health and the environment, the Respondent shall submit a work plan for the response activities to EPA for review and approval.	RMT		
31	7 days after receipt of EPA's request (item #30)	TBD	Additional Response Actions (paragraph 54): If EPA determines that additional response activities are necessary to protect human health and the environment, the Respondent shall submit a work plan for the response activities to EPA for review and approval.	RMT		
32	21 days from receipt of disapproval notice/request for modification	TBD	EPA Review of Submissions (paragraph 59): Respondent shall correct the deficiencies and resubmit the report, plan, or other item for approval.	RMT		
33	5 days prior to new Project Coordinator	TBD	Remedial Project Manager (paragraph 71): Provide written notice to EPA of the name and qualifications of the new Respondent Project Coordinator. Selection is subject to EPA approval.	LEC and RMT		
34	48 hours	TBD	Delay In Performance (paragraph 80): Notify EPA's RPM by telephone of anticipated delay in performing any requirement of this Order.	LEC and RMT		
35	5 business days following item #34	TBD	Delay In Performance (paragraph 80): Provide written notification describing the nature and justification of the delay (described in item #34) in addition to the measure planned and taken to minimize the delay	LEC and RMT		
36	60 days prior to transfer	TBD	Parties Bound (paragraph 38): Submit a true and correct copy of transfer document(s) to EPA identifying the transferee by name, principal business address and effective date of transfer.	LEC		
37	28 days prior to event	TBD	QA, Sampling and Data Analysis (paragraph 63): Notify EPA in advance of any sample collection activity.	RMT		

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38	10 years	08/04/19	<i>Record Preservation (paragraph 77):</i> Respondent shall preserve and retain all records and documents in its or any of their contractors possession/control that relate in any manner to the Site.	LEC and RMT			
39	90 days prior to record or document destruction following item #38	TBD	<i>Record Preservation (paragraph 77):</i> Following the preservation period outlined in item #38, Respondent shall notify the US prior to the destruction of any such records/documents.	LEC			
40	Prior to off-site shipments of hazardous substances	--	<i>Remedial Action (paragraph 45):</i> Provide written notification to appropriate state environmental official in receiving state and to EPA's RPM (See UAO for detailed notification requirements). Does not apply when total volume of all shipments from the Site to the State will not exceed 10 cubic yards.	LEC and RMT			

Notes

- 1) LEC granted an extension on this date as outlined in USEPA email dated August 3, 2009. Emailed pdf copies of Amended UAO received 9/8/09.
- 2) Identification of Supervising Contractor and Project Coordinator should be presented on LEC letterhead.
- 3) All requirements and descriptions summarized in this column are UAO driven and referenced with the exception of those stating "SOW".
- 4) Rows shown in **Bold** are items that have been completed.
- 5) This item will be completed when any contractor, subcontractor, laboratory, or consultant are retained to perform services related to completion of the Statement of Work (SOW).
Dallas Contracting, EWM/Rapid Response, JFNew, Trace Labs and Denis Sklar Surveying were copied on the UAO in a Jan 5, 2010 email. COIs and SOQs were requested (Ref. Item 15).
- 6) Access agreements between LEC and Air Products and Wharton Enterprises were finalized in 2005 prior to the Source Reduction Remediation.
- 7) EPA notice that LEC recorded a copy of the UAO with Morris County was provided in an email from RMT dated 12/11/09 and in the November 2009 Progress Report.

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